

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
(916) 274-5721  
FAX (916) 274-5743  
[www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)



Attachment No. 2

**INITIAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

**TITLE 8: Chapter 4, Subchapter 13, Article 15, Section 6368  
of the Logging and Sawmill Safety Orders**

**Fuel Houses, Chip Bins, and Hoppers-Sawmills****SUMMARY**

The Occupational Safety and Health Standards Board (Board) received a memorandum from the Division of Occupational Safety and Health (Division) with attached Request for New or Change in Existing Safety Order (Form 9). The Form 9 recommended that the Logging and Sawmill Safety Orders, Section 6368, Fuel Houses, Chip Bins, and Hoppers be amended to address the hazard of employee engulfment in piled, loose materials equivalent to what is required by Section 3482 of the General Industry Safety Orders. Section 3482, Bulk Storage of Loose Materials currently contains more comprehensive requirements for employees working at locations where there is bulk storage of loose materials.

Section 6368 and Section 3482 both address comparable work environments, except Section 6368 is part of Article 15, exclusive to logging and sawmill operations, and Section 3482 applies to general industry. The degree to which each standard addresses the hazard of employee engulfment is quite different. Section 6368 requires fuel houses to have at least two exits; provides provisions for tunnels, chains, mechanical diggers, vibrators or other means of removing materials to prevent employees from becoming trapped by a cave-in, requires provisions for platforms and walkways by employees who work over stored materials, and use of safety belts with attached line and an attendant whenever the employee must leave the safety of the walkway or platform.

Section 3482 includes essentially all the provisions of Section 6368, except Section 6368 requires fuel houses to have at least two exits, use of platforms or walkways can be substituted for alternative mechanical means, and its scope is limited to logging and sawmill operations. In addition, Section 3482 contains provisions that are not included in Section 6368. These provisions include: (1) specifically requiring instruction to employees on the work hazards and engulfment/entrapment precautions; (2) providing specific mechanical means of preventing engulfment or entrapment from a cave-in that includes the use of a hoist capable of providing necessary support and use of a boatswain's chair or Class III body harness with a line suspended from a hoist; (3) requiring that the safety line be taut and be not less than 13/16 inch Manila rope or its equivalent strength and diameter; (4) blocking the inflow and outflow of material unless it

is necessary to the employee's work, where a means to control or stop the material is required; and (5) explicitly stating that there be provisions for safe access and egress for any employee required to work on the pile.

Board staff has contacted a representative from the Timber Operators Council (TOC) who represents sawmills in California and the Pacific Northwest. According to the California Region Safety Representative, the TOC represents nearly 100 percent of the affected industry. The TOC representative stated that on behalf of the TOC, he had no objections or concerns over the proposal. He also indicated that not all sawmill workers in California are represented by a collective bargaining unit. Sawmill workers at some mills are represented by the Western Council of Industrial Workers (WCIW). Board staff contacted a representative of WCIW to discuss the proposal. He indicated that he had no objections or concerns over the proposed amendments.

### SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

#### Section 6368. Fuel Houses, Chip Bins, and Hoppers.

This section consists of four subsections which address engulfment hazards in sawmills. The provisions require that: (1) fuel houses have two exits; (2) fuel houses, chip bins and hoppers have tunnels, chains, mechanical diggers, vibrators or other effective means of removing material so that employees do not need to work in locations where they could be entrapped by a cave-in; (3) employees have platforms and walkways, constructed as prescribed in GISO; and (4) employees not leave the walkways or other protected areas without wearing body belts and lifelines with an attendant.

Amendments are proposed to delete subsection (b) which pertains to the design of structures or use of equipment so that employees do not have to enter structures to remove loose material. New language would instead require fuel houses, chip bins and hoppers in sawmills to comply with the requirements of Section 3482. Taking into account the differences between Sections 6368 and 3482, the proposed amendment referencing Section 3482, is necessary to: (1) require employee training on engulfment hazard prevention; (2) when the construction of structures is impractical, provide the employer with the option of using a manually powered hoist with an attendant and use of a boatswain's chair or a Class III body harness with a line suspended from the hoist; (3) require the hoist lines to be controlled; and (4) provide a means to block the movement of piled materials or provide communication with a standby person who can control the material flow. The employer will also have to ensure that the diameter of the lines attached to the employee are not less than 13/16 inch Manila rope or equivalent and provide for safe access/egress from piled materials and protect against engulfment. Unlike Section 6368, the proposed amendments would not mandate the use of walkways/platforms, but require their use whenever possible.

Further amendments are proposed to delete subsections (c) and (d) which pertain to the use of platforms, walkways and use of safety belts and attended lifelines as means of protecting employees from engulfment hazards. The issues addressed by subsections (c) and (d) are more fully addressed by the requirements of Section 3482. The proposed amendments are necessary

to expand the options for sawmills and logging facilities to prevent engulfment hazards permitted to general industry in comparable environments, while also providing more specifications on these options.

#### DOCUMENTS RELIED UPON

Memorandum from the Division of Occupational Safety and Health with attached Form 9 Request for New, or Change in Existing Safety Order to the Occupational Safety and Health Standards Board, dated June 8, 2001.

This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

#### REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

#### SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

#### COST ESTIMATES OF PROPOSED ACTION

##### Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. The State of California does not operate permanent sawmill operations.

##### Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

### Impact on Businesses

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Unlike existing Section 6368, complying with the provisions of Section 3482 will provide employers some reasonable and practical flexibility in addressing employee engulfment hazards not currently afforded by Section 6368. For example, in lieu of redesigning storage structures or providing mechanical equipment or walkways, the employer can provide a manually powered hoist to lift the employee up and out of a pile of material that engulfs him/her. When any of the forgoing methods are impractical, the employer can opt to use a body belt with lifeline and attendant as an alternative.

### Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. (See Impact on Businesses.)

### Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

### Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

### Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

## DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated. (See Impact on Businesses.)

#### ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.